

REMARKS

In the outstanding Final Office Action, the Examiner has rejected the claims on prior art grounds. Applicants respectfully request reconsideration and allowance of the claims in view of the present amendments.

Claims 1-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al. as well as being rejected as being anticipated by Vaillancourt. Applicants traverse these rejections based on the following comments.

Each of claims 1 and 7 of the present application recites “an actuating portion housing for enclosing the inner needle retraction actuating portion after retraction of the inner needle”. Applicants respectfully submit that the Examiner has taken an exceptionally broad interpretation of the term “enclosing” as it is set forth in the claims. In other words, the Examiner identifies the term “enclosing” with the engagement of the window 14 and the actuator 17 (Fig. 12) in Takagi et al. and the engagement of the slop portion 25 and the actuator 17 in Vaillancourt.

In the present application, however, the actuating portion housing (1c) is enclosing the inner needle retraction actuating portion (6a) and preventing the inner needle retraction actuating portion (6a) from coming into contact with a hand after retraction of the inner needle 12, as set forth in page 7, lines 22-25. This feature is now set forth in the amended claims.

Applicants respectfully submit that both Takagi et al. and Vaillancourt neither disclose nor suggest an “actuating portion housing enclosing the inner needle retraction actuating portion and preventing the inner needle retraction actuating portion from coming into contact with a hand after retraction of the inner needle”. This feature has been added to each of independent claims 1 and 7 and is fully supported in the specification at page 7, lines 22-25. The present amendment further clarifies and defines what Applicants intend by the term “enclosing” and therefore, the Examiner’s overly broad interpretation of the term “enclosing” is no longer applicable in view of the present amendment. As a result, the above feature that is set forth in each of the independent claims distinguishes the present invention over the devices contained in the cited prior art references.

Based on the foregoing, Applicants respectfully request reconsideration and allowance of amended claims 1 and 7 since one or more claimed features are not disclosed in either of the references and therefore, a rejection under 35 U.S.C. 102(b) is improper.

Claims 2-6 should be allowed as depending from what should now be an allowed independent claim 1, as amended.

Claims 8-11 should be allowed as depending from what should now be an allowed independent claim 2, as amended.

Claims 1-11 also stand rejected under the judicially created doctrine of double patenting over claims 1-4 of U.S. patent No. 6,616,631. Applicants respectfully traverse this rejection for the following reasons.

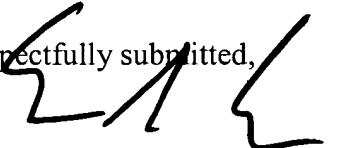
As previously set forth, amended claims 1 and 7 each includes the following feature: “actuating portion housing enclosing the inner needle retraction actuating portion and preventing the inner needle retraction actuating portion from coming into contact with a hand after retraction of the inner needle”. Applicants submit that this added feature is disclosed in any of claims 1-4 of the ‘631 patent nor is rendered obvious by the subject matter recited in claim 1-4 of the ‘631 patent.

Since the amended feature is not disclosed or even suggested by claim 1-4, a double patenting rejection cannot be maintained and Applicants respectfully request that the Examiner withdraw this ground of rejection in view of the present amendment.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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